

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DORRIT MATSON,

Plaintiff,

-against-

BOARD OF EDUCATION OF THE CITY SCHOOL  
DISTRICT OF THE CITY OF NEW YORK, THE CITY  
OF NEW YORK and RICHARD J. CONDON,

Defendants.

-----x

**NOTICE OF MOTION  
TO DISMISS THE  
COMPLAINT**

08 Civ. 7232 (PAC)

**PLEASE TAKE NOTICE** that, upon the declaration of Assistant Corporation Counsel Christopher A. Seacord, dated January 16, 2009, and the exhibit annexed thereto, the memorandum of law in support of defendants' motion to dismiss the complaint, dated January 16, 2009, and all other pleadings and proceedings heretofore had herein, defendants will move this Court, before the Honorable Paul A. Crotty, United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, on a date and at a time to be designated by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the complaint against defendants for failure to state a claim upon which relief can be granted.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to this Court's order dated December 11, 2008, answering papers, if any, must be served on the undersigned by February 20, 2009, and that replies, if any, must be served by February 27, 2009.

Dated: New York, New York  
January 16, 2009

**MICHAEL A. CARDOZO**  
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City of New York  
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By: /s/  
Christopher A. Seacord (CS 0821)  
Assistant Corporation Counsel

TO: Barry D. Haberman, Esq. (By ECF)  
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Docket No. 08 Civ. 7232 (PAC)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DORRIT MATSON,

Plaintiff,

-against-

BOARD OF EDUCATION OF THE CITY  
SCHOOL DISTRICT OF THE CITY OF NEW  
YORK, THE CITY OF NEW YORK and  
RICHARD J. CONDON,

Defendants.

**NOTICE OF MOTION TO DISMISS THE  
COMPLAINT AND SEACORD DECLARATION  
IN SUPPORT WITH EXHIBIT**

***MICHAEL A. CARDOZO***

*Corporation Counsel of the City of New York  
Attorney for Defendants  
100 Church Street, Room 2-138  
New York, N.Y. 10007*

*Of Counsel: Christopher A. Seacord  
Tel: (212) 788-0866  
Matter No. 2008-029858*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 200*

*..... Esq.*

*Attorney for .....*